



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**SCHWEGMAN, LUNDBERG & WOESSNER, P.A.**  
**P.O. BOX 2938**  
**MINNEAPOLIS MN 55402**

**MAILED**

**DEC 23 2010**

**OFFICE OF PETITIONS**

In re Patent No. 7,040,706	:	
Issue Date: May 09, 2006	:	CORRECTED
Application No. 10/731,876	:	DECISION ON PETITION
Filed: December 09, 2003	:	
Attorney Docket No. 1499.006US1	:	

This is a decision on the petition under 37 CFR 1.378(c), filed July 26, 2010, to accept the delayed payment of a maintenance fee for the above-identified patent.

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration under 37 CFR 1.378(e) must be filed within TWO (2) MONTHS from the mail date of this decision. No extension of this two-month time limit can be granted under 37 CFR 1.136(a) or (b). This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Any petition for reconsideration of this decision must be accompanied by the petition fee of \$400 as set forth in 37 CFR 1.17(f). The petition for reconsideration must include the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A petition to accept the unintentionally delayed payment of a maintenance fee under 35 U.S.C. 41(c) and 37 CFR 1.378(c) must be accompanied by: (1) a statement that the delay was unintentional; (2) payment of the appropriate maintenance fee, unless previously submitted; (3) payment of the surcharge set forth in 37 CFR 1.20(i)(2). This petition lacks item (3) above.

Petitioner has submitted a \$65.00 surcharge fee for late payment under 37 CFR 1.20(h), however the required fee for late payment after expiration is \$1,640.00 as set forth in 37 CFR 1.20(i)(2).

Further correspondence with respect to this matter should be addressed as follows:

By Mail:                Mail Stop PETITION  
                             Commissioner for Patents  
                             Post Office Box 1450  
                             Alexandria, VA 22313-1450

By hand:                U. S. Patent and Trademark Office  
                             Customer Service Window, Mail Stop Petitions  
                             Randolph Building  
                             401 Dulany Street  
                             Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries should be directed to undersigned at (571) 272-4231.

/Michelle R. Eason/  
Michelle R. Eason  
Paralegal Specialist  
Office of Petitions